

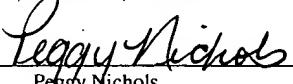


PATENT
Docket No. NB 2004.02

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date listed below.

Dated: June 1, 2004


Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

H. Michael SHEPARD

Serial No.: 09/782,721

Filing Date: February 12, 2001

For: ENZYME CATALYZED
THERAPEUTIC AGENTS

Examiner: L. Crane

Group Art Unit: 1653

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

I. Timing of the Information Disclosure Statement:

This Supplemental Information Disclosure Statement is filed:

- With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

06/08/2004 SZEWDIE1 0000003 502518 09782721

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Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 referencing billing No. 7008263002 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

Copies of only the following items listed on the attached Form PTO-1449 are enclosed: WO 01/07888 A3.

Copies of the items listed in the attached Form PTO-1449 are not supplied) because they were previously cited by or submitted to the Patent Office in a

prior Application No. _____ filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

A concise explanation of relevance of the items listed on Form PTO-1449 is not given.

A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

Applicants bring to the Office's attention the following related, co-pending application(s): U.S. Serial No. 10/048,033.

V. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

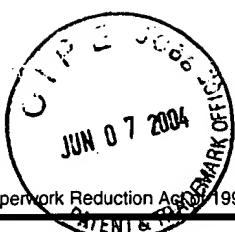
It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 2023896-7008263002 for any additional fees required in connection with the filing of this Supplemental Information Disclosure Statement.

Respectfully submitted,

Dated: June 1, 2004

By: Antoinette F. Konski
Antoinette F. Konski
Registration No. 34,202

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form1449 A-PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/782,721
Filing Date	February 12, 2001
First Named Inventor	H. Michael Shepard
Art Unit	1653
Examiner Name	L. Crane
Atty. Dkt. Number	NB 2004.02

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
1	US-6,677,314		1/13/04	Klecker, et al.	
2	US-6,677,315		1/13/04	Klecker, et al.	
3	US-6,682,715		1/27/04	Klecker, et al.	
4	US-6,683,045		1/27/04	Klecker, et al.	
5	US-6,703,374		3/09/04	Klecker, et al.	
6					
7					
8					
9					

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)				
10	WO 01/07888 A2		02/01/01	NewBiotics, Inc.		x
11						
12						
13						
14						
15						
16						
17						
18						
19						

Examiner's
Signature

Date
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

+ Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JUN 07 2004
PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180)

Complete if Known

Application Number	09/782,721
Filing Date	February 12, 2001
First Named Inventor	H. Michael Shepard
Examiner Name	L. Crane
Art Unit	1653
Attorney Docket No.	NB 2004.02

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
Order
 Deposit Account:

Deposit Account Number 50-2518

Deposit Account Name Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053	130	Non-English specification	
		1812	2,520	1812	2,520	For filing a request for reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	420	2252	210	Extension for reply within second month	
		1253	950	2253	475	Extension for reply within third month	
		1254	1,480	2254	740	Extension for reply within fourth month	
		1255	2,010	2255	1,005	Extension for reply within fifth month	
		1401	330	2401	165	Notice of Appeal	
		1402	330	2402	165	Filing a brief in support of an appeal	
		1403	290	2403	145	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive – unavoidable	
		1453	1,330	2453	665	Petition to revive – unintentional	
		1501	1,330	2501	665	Utility issue fee (or reissue)	
		1502	480	2502	240	Design issue fee	
		1503	640	2503	320	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	
		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	180	1806	180	Submission of Information Disclosure Stmt	180
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
		1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	2801	385	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify) _____					

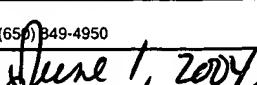
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Antoinette F. Knobell	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 849-4950
Signature			Date		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.